

# Senate File 299 - Introduced

SENATE FILE 299

BY ZAUN

## A BILL FOR

1 An Act relating to judicial actions and records by authorizing  
2 assistance by a small claims filing agent and modifying  
3 provisions relating to accessing protected information in  
4 court records.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

SMALL CLAIMS FILING AGENTS

Section 1. NEW SECTION. 562A.11A Small claims filing agent.

1. An individual who is not licensed to practice law in this state and who only does any of the following to assist a landlord, manager, or tenant in pursuing a remedy authorized under this chapter as a small claim under chapter 631 shall be considered a "small claims filing agent":

a. Typing information provided by the landlord, manager, or tenant, on a form prescribed by the supreme court under section 631.15, in a fillable document format.

b. Electronically filing a form prescribed by the supreme court under section 631.15 with the district court sitting in small claims.

2. An individual that is a small claims filing agent shall not do any of the following:

a. Advise the landlord, manager, or tenant as to the grounds for the remedy under this chapter or the legal effect of the form.

b. Provide a legal opinion or legal analysis beyond that which is required for compliance with the requirements of the form, timeliness and accuracy of preparation of the form, or data or information formatting required for electronic filing of documents associated with the small claim action.

3. The actions of a small claims filing agent authorized by this section shall not be considered the practice of law.

Sec. 2. NEW SECTION. 562B.12A Small claims filing agent.

1. An individual who is not licensed to practice law in this state and who only does any of the following to assist a landlord, manager, or tenant in pursuing a remedy authorized under this chapter as a small claim under chapter 631 shall be considered a "small claims filing agent":

a. Typing information provided by the landlord, manager, or tenant, on a form prescribed by the supreme court under section 631.15, in a fillable document format.

1     *b.* Electronically filing a form prescribed by the supreme  
2 court under section 631.15 with the district court sitting in  
3 small claims.

4     2. An individual that is a small claims filing agent shall  
5 not do any of the following:

6     *a.* Advise the landlord, manager, or tenant as to the grounds  
7 for the remedy under this chapter or the legal effect of the  
8 form.

9     *b.* Provide a legal opinion or legal analysis beyond that  
10 which is required for compliance with the requirements of the  
11 form, timeliness and accuracy of preparation of the form, or  
12 data or information formatting required for electronic filing  
13 of documents associated with the small claim action.

14     3. The actions of a small claims filing agent authorized by  
15 this section shall not be considered the practice of law.

16                                   DIVISION II

17   ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION IN COURT RECORDS

18     Sec. 3. Section 602.1614, Code 2021, is amended by adding  
19 the following new subsection:

20     NEW SUBSECTION. 3A. *a.* Rules prescribed by the supreme  
21 court governing the appropriate level of public access to  
22 electronic records and other court records under subsection  
23 3, paragraph `1`, shall also prescribe a process by which  
24 an authenticated user may access protected information as  
25 defined in Iowa court rule 16.602 for purposes of engaging  
26 in activities governed by federal consumer protection laws,  
27 including but not limited to the following:

28       (1) The federal Fair Credit Reporting Act, 15 U.S.C. §1681  
29 et seq.

30       (2) The federal Gramm-Leach-Bliley Act, 15 U.S.C.  
31 §6801-6809.

32       (3) The federal Health Insurance Portability and  
33 Accountability Act of 1996, Pub. L. No. 104-191.

34       (4) The federal Family Educational Rights and Privacy Act,  
35 20 U.S.C. §1232g.

1 (5) The federal Driver's Privacy Protection Act, 18 U.S.C.  
2 §2721 et seq.

3 b. The supreme court shall ensure secure electronic access  
4 for authenticated users through commercially reasonable  
5 authentication methods.

6 c. Authenticated users shall be determined in a manner  
7 consistent with industry standards through a registration  
8 process or a contractual agreement with the user.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with  
11 the explanation's substance by the members of the general assembly.

12 This bill relates to judicial actions and records by  
13 authorizing assistance by a small claims filing agent and  
14 modifying provisions relating to personal information in court  
15 records.

16 Division I of the bill amends Code chapter 562A, the  
17 uniform residential landlord and tenant Act, and Code chapter  
18 562B, the manufactured home communities or mobile home parks  
19 residential landlord and tenant Act, to authorize a small  
20 claims filing agent to assist a landlord, manager, or tenant  
21 in pursuing an authorized remedy as a small claim under Code  
22 chapter 631. A small claims filing agent is an individual who  
23 is not licensed to practice law in this state and who types  
24 information provided by the landlord, manager, or tenant on a  
25 form prescribed by the supreme court in a fillable document  
26 format or who electronically files a form prescribed by the  
27 supreme court with the district court sitting in small claims.

28 Division I prohibits an individual that is a small claims  
29 filing agent from doing the following: (1) advising the  
30 landlord, manager, or tenant as to the grounds for the remedy  
31 or the legal effect of the form; or (2) providing a legal  
32 opinion or legal analysis beyond that which is required for  
33 compliance with the requirements of the form, timeliness and  
34 accuracy of preparation of the form, or data or information  
35 formatting required for electronic filing of documents

1 associated with the small claim action.

2 Division I of the bill specifies that the actions of a  
3 small claims filing agent authorized by the bill shall not be  
4 considered the practice of law.

5 Division II of the bill provides that rules prescribed by  
6 the supreme court governing the appropriate level of public  
7 access to electronic records and other court records under  
8 Code section 602.1614 shall also prescribe a process by which  
9 an authenticated user may access "protected information" as  
10 defined in Iowa court rule 16.602 for purposes of engaging  
11 in activities governed by federal consumer protection laws,  
12 including but not limited to the following: (1) the federal  
13 Fair Credit Reporting Act; (2) the federal Gramm-Leach-Bliley  
14 Act; (3) the federal Health Insurance Portability and  
15 Accountability Act; (4) the federal Family Educational  
16 Rights and Privacy Act; and (5) the federal Driver's Privacy  
17 Protection Act.

18 The bill requires the supreme court to ensure secure  
19 electronic access for authenticated users through commercially  
20 reasonable authentication methods and provides that  
21 authenticated users shall be determined through a registration  
22 process or a contractual agreement with the user.